IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 162 OF 2005

Sunil Jagannath Deore & Anr. .. Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri Shriram S. Kulkarni for the Applicants.
Shri V.B. Konde-Deshmukh, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : JANUARY 17, 2005

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. It is seen that the deceased was the aggressor party who had come on the scene with a pair of scissors. The scuffle took place between the deceased and accused No.1. During the scuffle, the Accused No.1 over powered the deceased. In the process injury was caused to the deceased. Even accused No.1 has suffered incised wounds. As the deceased fell on the ground, Accused No.1 immediately ran away and reported to doctor Choudhary for treating the injury suffered

by him. Even the deceased was brought to the same doctor but was later taken away to the other doctor. The fact remains that occurance of fight took place on the spur of moment, when deceased was aggresor party , who had come with the pair of scissors in his hand. Moreover, applicant No.2 immediately took the deceased to the doctor Choudhary and later on to doctor More and accompanied the deceased all along. Taking over all view of the matter, coupled with the fact that the investigation is over and the chargesheet is filed, the applicants deserve to be enlarged on bail on the following conditions.

(a) The Applicants are directed to be released on bail in connection with C.R.No. I-191/2004, registered with Ambad Police Station, Dist. Nashik on executing personal bond in the sum of Rs. 20,000/- (Rs. Twenty thousand only) each with two local sureties in the like amount.

(b) The applicants shall report to the investigating officer once in fortnight on Saturday between 10 a.m. to 2 p.m..

(c) The Applicants shall extend full co-operation

to the investigating officer as and when called upon as well as for early disposal of the trial. If the trial court is of the opinion that the applicants are responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

(d) The Applicants shall not leave jurisdiction of the concerned police station without prior intimation to the investigating officer as well as to the trial court.

(e) The applicants shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

3. Ordered accordingly.

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